IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 20230 of 2007(G)

PETITIONER:

JOSE POOTHULLIL, 42/1680,
MATHAI MANJOORAN ROAD, COCHIN.

BY ADV. SRI.DINESH R.SHENOY

RESPONDENTS:

CORPORATION OF COCHIN, REPRESENTED BY
THE SECRETARY, CORPORATION OF COCHIN,
O/O.CORPORATION OF COCHIN, COCHIN-11.

BY SC SRI. S. RAMESH BABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.20230 of 2007

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Dated this the 3rd day of July, 2007

JUDGMENT

Petitioner challenges Ext.P3. Ext.P3 is an order under Section 406(3) of the Kerala Municipalities Act. In other words, it is a final order after issuing Ext.P1 provisional order and giving an opportunity to the petitioner. As correctly pointed out by Sri.S.Ramesh Babu and Government Pleader, there is a right of appeal under Section 509 of the Municipalities Act to the Tribunal.

I record the submission of Sri.S.Ramesh Babu that the contention of the petitioner that he received Ext.P3 on 21.6.2007 is correct. In such circumstances, I feel that the petitioner should be relegated to the pursuit of the appellate remedy.

The writ petition is disposed of relegating the petitioner to pursue the alternate remedy available to him under Section 509 of the Act. Ext.P3 will be kept in abeyance for a period of two weeks from today.

(K.M. JOSEPH, JUDGE)

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